might be paid into the courts at the time cases were filed, the other 5 per cent being paid at the time issues were framed. May I know the need to consult the House on that occasion.

Second Member of Council.—

That proposal involved a modification in the Regulation and it was necessary to consult the Assembly.

Mr. N. Channappa.—

Even in regard to changes in the schedule of fees, etc., will it not cause dissatisfaction in the public mind if the Assembly is not consulted ?

Second Member of Council.—

Government will look to it, if there is dissatisfaction in the public mind.

Mr. N. Channappa.—

Will the Government take full responsibility for such dissatisfaction and any possible trouble ?

Second Member of Council.—

We shall see to it, if it comes to that. For all Government matters the Government are responsible.

GOVERNMENT BUSINESS—(*Resumed*).

Coffee Cess Continuation Bill—(*Continued*).

In opposing the measure before the House, MR. HOSAKOPPA KRISHNA RAO gave a detailed history of the circumstances under which the existing Coffee Cess Regulation came to be enacted 5 years previously. The main points that he stressed in that connection were :—

(1) By agreeing to issue a plebiscite to the planters, the Government had recognised the principle of consulting the opinion of the people who would be affected by the proposed cess.

(2) A large section of the members of the constitutional bodies had no idea of the coffee industry and their vote on a measure affecting a minor interest should not have been allowed to prevail.

(3) Most Indian planters and the representative of the Indian Planting community had opposed the measure.

(4) The Legislative Council had passed it on the understanding, suggested by the Select Committee, that the measure would operate only for 5 years and that a statutory obligation was imposed for the payment of the Government's share of the cost during that period.

With reference to the present Bill under discussion he said that it related to a very controversial matter. Every one concerned was anxiously waiting for the expiry of the term fixed in the Regulation, and it was a matter for regret that at such a time the Government were trying to introduce the thin end of the wedge by seeking to extend it by another 10 years.

In the first place, the experimental farm was really not very useful to the people concerned. Secondly, if the Government thought that certain experiments were required to be conducted, they must do so with the aid of the general funds of the State, just as experiments connected with any other crop were being carried on by the Agricultural Department. Thirdly, while the legislature had to be left free to vote according to its best lights on any matter brought up before it, in the present instance the Government had definitely decided to continue the levy and thus forced the hands of the Assembly to vote in favour of it. Fourthly, even though the Assembly voted in its favour, it would not be just and fair, because the members thereof had no practical knowledge of the difficulties of coffee planters. It was a matter of principle, in his opinion, that no tax should be agreed to by people who were not going to be affected by its levy. If the levy was continued for a further period, it was sure to affect the planting interest adversely. Lastly, the Government had to guarantee their contribution. Was the State Budget, the member asked, in a position to bear that charge in the present circumstances ? Suppose the Government decided to continue the cess but the constitutional assemblies did not agree to the Government providing its quota; the Government then would be forced to levy an extra cess on the planters; that would still further go against the planters and add to their burden.

Before concluding, the member suggested that, as was done on the former occasion, the Government would do well to see that a conference of planters was summoned, obtain their consent, and on that authority proceed to consult the Assembly and the Council in the matter of the continuing to levy the cess. But just at present, the Government had not done any of these things nor prepared the way for securing

the support of the Assembly. It was therefore the duty of the Assembly to oppose the measure to the utmost possible extent.

CAPT. Y. V. AYYA in supporting the measure said that the experimental farm was meant to develop the coffee industry on scientific lines and would be very beneficial to the coffee planters in controlling the insect pests that attack coffee. Referring to the suggestion that the entire cost of the farm must be met from the general revenues, he observed that it was wrong in principle to levy a tax from the people of the whole State for helping an industry which benefited a section of the population. He warned the Assembly against entertaining any idea of closing down the farm in an intermediate stage after having spent a lot of money over the experiment.

MR. MEER MOHAMAD SAB strongly opposed the continuance of the cess and endorsed the views of Mr. Hosakoppa Krishna Rao in every detail. He recalled the opinions expressed by the coffee planters at the time of the introduction of the Coffee Cess Regulation in 1924 and emphasised the fact that they agreed to the levy on the distinct understanding that it was purely a temporary cess which would be in operation for only 5 years. In support of this statement, he referred to the interview granted by the previous Dewan Sir A. R. Banerji to a deputation headed by Mr. Javali Ganesha Rao and to the promise held out then. He regretted that the promise to waive the cess in the case of those holding 15 acres and less was not kept up.

He recounted the difficulties faced by the coffee planters during recent years due to various causes such as the slump in the market, difficulty of labour in the malnad, the indebtedness of the Indian planters, etc. He was sorry that Government attempted to give a step-motherly treatment to the industry while they were very liberal in the promotion of other industries like ragi-crops, sericulture, cattle breeding, sugar-cane cultivation, etc. In this connection he referred to the large expenditure of Government on the agricultural farms in Hebbal, Babbur, Nagenahalli, Martur, Jeevarayankatte and the breeding farm at Ajjampur, and prayed that Government might meet the entire cost of the Coffee Experimental Station also from the general revenues. He added that if Government were not convinced of the arguments advanced by Mr. Hosakoppa Krishna Rao, they would do well to call for a conference of the Indian Planters and gauge their opinion in regard to the Bill.

In supporting the measure MR. OSMAN KHAN said that when the existing Regulation was passed, it was thought that it was sufficient if the cess was levied for a period of 5 years. During that period the Government had taken the necessary steps to start the farm, and spent large sums of money on machinery, buildings and other equipment. Simply because the experiment did not yield the results anticipated within that time, he did not think it was proper to allow all that expenditure to go to waste. The Government and the planters were committed to the principles of the measure on certain considerations and it was not open to the planters at the present time to say that the entire cost should hereafter be borne from the general revenues and that the cess should be discontinued. The experiment was meant to benefit a small minority and not the entire population of the State and it was wrong in principle to call upon Government to pay the whole cost from the general revenues.

The speaker conceded that the price of coffee had gone down during the year and that the planters were in a bad way. But he did not think that this fact should influence the decision of the House on the Bill bearing in mind that there would be fluctuations of the market always and that if the price of coffee was low during the current year, it had been high enough during the preceding years and might go up again during the succeeding years.

MR. BAGAMANE DEVA GOWDA referring to the remarks of Capt. Y. V. Ayya said that they need not be taken seriously since that member had absolutely no insight into the coffee industry. As a member returned to the last Assembly by the North Planters Association of Mysore, he could authoritatively state that the planters would not have favoured the idea of opening the experimental farm, had they known that it would involve the imposition of a cess. He also supported the statement of Mr. Hosakoppa Krishna Rao that the plebiscite or referendum issued by Government was not effective in that it had not reached a good number of the planters proposed to be consulted. He was sorry that the statement of Dr. Coleman that the planters stood to gain immensely by the experiments carried on in the farm was not borne out by the results achieved after 5 years' working. He observed that money had been squandered on costly buildings and unnecessary equipment on the farm and that if the farm was run on economical lines, it was quite possible to make it self-supporting without the necessity for the imposition of a cess. For instance, he referred

to page 9 of the Bulletin issued by Dr. Coleman on the working of the farm in which it was stated that as much as 30 maunds per acre could be expected from the sprayed lands. Calculated at this rate, the speaker thought that it would be possible to get as much as Rs. 40,000 a year from the lands under the operation of the farm. Even if a sum of Rs. 12,000 was set apart for equipment, the remaining sum of Rs. 28,000 was ample to meet most part of the recurring expenditure. In this view, he thought that there was no necessity for the levy of coffee cess. Before the levy of the cess Government promised that it would operate only for 5 years. It was incumbent on them to abide by it. The prosperity of the malnad was mainly due to the coffee industry and if for any reason it was rendered impossible to carry on coffee cultivation, the malnad lands would be quite a waste. He was, however, of opinion that a farm was quite necessary, but that in the circumstances mentioned by him, the entire cost should be borne by Government. If, on the other hand, the continuance of the farm implied the continuance of the cess, he assured the Government that the Indian planters would not favour it. He therefore urged that the Bill under discussion should be withdrawn.

MR. VEMA REDDY said that so long as the coffee planters were not taken on conducting an experimental farm, there was no need for Government to thrust it on them and levy from them a compulsory cess, more especially as coffee was not a staple food but a luxury. He thought that the coffee planters might be left to gather wisdom from practical experience, and that it would be enough if the departmental experts were available to advise them on technical matters. He did not think that such a cess for conducting experiments in regard to an article of luxury was imposed anywhere in British India.

THE SECOND MEMBER OF COUNCIL explained that the system of levying a cess for the development of industries was not peculiar to Mysore and pointed out that on the analogy of the coffee cess the following tariffs were imposed in British India:—

6 annas for 100 lbs. of tea exported.
2 annas per bale of 400 lbs. of jute.
4 annas per maund of lacque.
2 annas per standard weight of cotton.

MR. SYED KHAJA PEERAN (Tarikere) said that the conditions in the malnad were in utter contrast to those in British India both from the point of view of climate and

population. Hence he did not think that the analogy was proper. He was not hopeful of any good resulting from the Coffee Experimental Farm and instanced the case of the supari cess in point.

THE SECOND MEMBER OF COUNCIL remarked that it was not correct to say that the experiments on supari did not produce good results.

MR. SYED KHAJA PEERAN replied that it was so at least in respect of Tarikere where people had to substitute cocoanut plantations for areca. He also said that the experiments conducted by the Agricultural Department in regard to ragi did not yield better results than those adopted by the people themselves. He, therefore, thought that there was no use continuing the farm at the expense of the planters. The malnad was already groaning under various inconveniences; and so far as the planters were concerned, the coffee tracts were sparsely populated, there were no roads, labour had to be imported and that in consequence of the increase in the assessment recently ordered, the planters were in a deplorable condition. In these circumstances, he thought that the continuance of the cess would prejudicially affect them.

MESSRS. T. MADIAH GOWDA (Closepet) and M. S. LINGE GOWDA (Bangalore) spoke in favour of the Bill. They said that having agreed to the levy at the initial stage, it was but proper that the coffee planters agreed to the continuance of the cess for a further period with a view to ensure the success of the experiments. They said that a lot of money had been spent on the farm even though the benefits accruing therefrom did not relate to the entire State, and that having conducted the experiment up to a certain stage, it would not be right to give it up abruptly. Referring to the argument that the Coffee Experimental Farm should be maintained at the entire cost of Government just as any other experiment, they said that it was not equitable to tax the entire people with a view to benefiting a minority.

MR. LINGE GOWDA controverted the statement that coffee was not a paying crop and drew the attention of the Assembly to the bulletin issued by the Agricultural Department which showed clearly that the adoption of scientific methods would lead to an increase in crop valued at about Rs. 5 lakhs per annum.

MRS. SAKAMMA (Women's Interest), who was also a coffee planter, said that coffee was different from ragi and paddy crops in that the former required several years of

nursing to bear fruit and involved large investment of capital. Besides, it was liable to insect pests in a much graver form. However much a planter might be experienced in the art of cultivation, it required scientific investigation to devise ways and means of controlling the diseases as in the case of human beings. She was therefore of the opinion that it was absolutely necessary to entrust such works of investigation to scientific experts. In this connection, she acknowledged the immense help derived by her own estate as a result of the consultations she had with the Director of Agriculture. For the above reason, she was for continuing the Coffee Experimental Farm which had been doing very valuable work towards the improvement of coffee in the State.

MR. K. T. BHASHYAM IYENGAR (Legal Interest Constituency) pointed out that the Experimental Farm was intended for demonstration work and for the control of coffee diseases. The benefits of improved coffee would be shared not only by the cultivator but also by the consumer. Hence, he thought that there was not much force in the argument, that the cost must not be debited to the general revenues. but must be borne entirely by the planter. In the latter event, the planter in his turn was sure to recover the cost from the consumer by raising the sale price of the coffee. He explained that, after all, the income derived from the coffee cess was only Rs. 12,000 a year, while the expenditure on the farm amounted to Rs. 30,000, the balance of money being contributed by Government. For the sake of a sum of Rs. 12,000 it was not desirable to go against the wishes of the people and levy a cess, especially when Government were spending larger sums on sister industries. Coffee being the principal industry in the malnad, it was the duty of Government to promote its growth by every possible means and if the investigation work carried on in the farm was promising, it should be worked by Government at their own cost without resort to any cess.

MR. BELUR SRINIVASIENGAR (Bangalore Rural Constituency) opposed the continuance of the coffee cess, as it was contrary to the spirit of the Dewan's Address to the Assembly wherein he had promised to avoid the imposition of new taxes. The re-imposition of a temporary cess, he said, would be tantamount to fresh taxation. He did not see the necessity for renewing the cess which only yielded about Rs. 12,000 when Government had framed a surplus budget, with a total revenue of Rs. 379¾ lakhs. While

Government were spending lakhs of rupees on the irrigation works under the Krishnaraja sagara scheme, there was no justification for them to grudge a much smaller investment on the improvement of coffee industry which was expected to open up the possibilities of developing a very large malnad area. He quoted from the speeches of the then Government Member (Mr. Chandy) who introduced the Bill in the first instance and the then Dewan (Mr. A. R. Banerji) to show that Government had committed themselves to limit the cess for a period of 5 years He therefore urged that Government should not continue to levy the cess for the sake of a small revenue of Rs. 12,000 a year, but should meet the cost of the farm from the general revenues.

MR. D. S. MALLAPPA (Tiptur) in supporting the Bill remarked that the trend of discussions so far showed that it covered the same field as when the Bill was first introduced, and that no cogent arguments were adduced to prove that the experiment was a failure. The farm commenced its work only a few years ago after the erection of the buildings, laboratory, cooly lines, etc. They had imported modern machinery and appointed experts to conduct experiments and were just then busy with them. He did not consider it expedient to give up the experiments in the middle, simply because, there was opposition to the re-imposition of the cess. The farm was intended to carry on demonstration work on the control of coffee diseases and to advise the planters on manuring based largely on results obtained on the station, and to help in the growth of different varieties and species of coffee. The mere fact that one was engaged in coffee cultivation for several years past would not qualify one to deal with the improvement of the industry on a scientific basis. He was convinced that unless the insect pests that attacked the plantations were combated on scientific lines, the economic condition of the planters would not improve, and five years was too short a period to expect good results.

He was opposed to the idea of meeting the entire cost of the farm from the general revenues for the reason that the generality of the masses was very poor and the coffee planter was comparatively in a better position. Besides, the cess was not recovered from those whose holdings were below 15 acres in extent; and Government were already meeting a portion of the cost from the tax-payer's money. In view of the reported depression in the industry, he suggested that the collection of the cess might be waived in the case of all those whose holdings were below 25 acres.

So far as the richer planters were concerned, he thought it right that they should bear a portion of the cost of running the farm. With a view to working the farm on frugal lines, he suggested the appointment of a committee consisting of the coffee planters and a few members of the Assembly.

THE SECOND MEMBER OF COUNCIL replied that there was already a committee consisting of both officials and non-officials to supervise the experimental farm.

DHARMAPRAVARTHA M. L. NAGAPPA SETTY (North Mysore Indian Planters' Association) said that it would take several years—from 20 to 30 years if not longer—to develop coffee industry as it had to undergo several processes in the experimental farm. The main point for consideration was whether the farm was necessary or not. From his own personal experience he could say that by excessive rain and the development of the fungus disease even blossomed plants in the coffee estates were dying. After spraying, however, the conditions improved to a very large extent although the cost also doubled. He was of opinion, however, that on the whole the experiment was paying. He had himself taken some insects feeding on the coffee plants to the experimental station and got necessary instructions from the experts.

Referring to the statement in the bulletin that the output of coffee had doubled itself as a result of the spraying and the improved manuring introduced by the department, he said that it overlooked the fact that the cost also had doubled itself. He was not satisfied with the results achieved in the farm, as during a course of 5 years nothing was done beyond the use of sprayers, and at this rate he was afraid that it would take the farm half a century to complete the programme. He added that the planters, however, had no objection to continuing the work in the farm provided that Government were prepared to finance it wholly from the general revenues without re-imposing the coffee cess. He prayed that the coffee industry should be dealt with in the same liberal spirit as was meted out to agriculture or sericulture. If, however, this was not feasible, he said that the provisions of the Bill might be slightly modified in consultation with the interests directly affected by the measure and that Government should not rush it through the Assembly at the present session itself.

THE SECOND MEMBER OF COUNCIL explained that there was no question of the Assembly passing the Bill and wanted to know if he accepted the principles of the Bill, to which MR. NAGAPPA SETTY replied in the affirmative.

MR. B. P. BASAPPA SETTY said that the Director of Agriculture had made it clear time and again that the coffee cess would be done away with after the lapse of the stipulated period of 5 years. This was clear from the Dasara Session of the Assembly of 1924. He was of opinion that the methods adopted in the farm to improve the species by means of better seeds and manure were very costly and not within the reach of the average planter, and added that the Indian nursery was any day much cheaper. He, therefore, thought that the planters might be left to their own resources since anything that the scientist might know or try to do was not a thing which any planter would copy.

THE SECOND MEMBER OF COUNCIL explained that it was not meant that the planters should do all that was done by the scientists on the farm. Certain experiments were carried on in the farm to improve the out-put by various means by combating the insect pests and also experimenting on the kind of manure that might be usefully used.

MR. BASAPPA SETTY said that if the experiment was a real success, the amount realised by the sale of coffee produced on the farm, supplemented by the Government grant ought to be more than sufficient to meet the cost of the experimental station.

For the above reasons, he strongly opposed continuance of the cess.

MR. N. G. SANJEEVIAH was of opinion that the expenditure on the experimental farm which concerned only a particular class of people should be borne by that class and not by the general revenues. So far as the coffee planters were concerned, he said that their coffee estates were not subject to re-survey and that the assessment on them was less than that levied on agricultural lands. If the price of coffee was low at the present moment, similar conditions prevailed in the past in the case of ragi and other agricultural crops and that it was no justification for giving any special treatment to the planters. He did not think that any case was made out for charging the entire cost on the farm to the general revenues.

MR. SYLVESTER PAIS, who next spoke, observed that although people generally did not view with favour the imposition of a cess on them, yet the peculiar position which the coffee industry occupied at present should be considered. Coffee was a commercial crop and it was the duty of the planters to find out ways and means to develop it for their own benefit. While in Madras and Bombay, the

planters themselves maintained experimental farms at their own cost, appointing their own experts, in Mysore, the Government met half the cost of the farm. If a similar arrangement had been made in Mysore, the planters had to pay a much higher amount than they were called upon to pay under the Regulation. In this view, he thought that there was no special grievance to the local planters.

He did not agree with the observation of Mr. Bagamane Devagowda that no useful results had been achieved by the present experimental farm. He doubted whether in a case of a special commercial industry like coffee the growth of which was beset with many difficulties, such as combating insect pests and fungus diseases, any tangible result could accrue within a very short time even by scientific investigation. The problem was a very important one and many scientific investigations had still to be made. It was therefore necessary that the experimental farm should continue. On the other hand, if the investigation should stop, he did not know what would be the fate of the coffee planters. Many plants were already 100 years old and were subject to pests and fungus diseases. These diseases would very easily spread to younger plants unless preventive scientific measures were adopted. If their spread were not effectively checked, there would thus be a huge loss to the planters. In these circumstances, he said that he had to support the measure.

MR. RUTHERFORD very strongly supported the measure. It would be a pity if the local investigations so far made were abandoned simply because the planters were required to continue to pay the cess. Coffee was an industry which required continuous attention, and such attention could not be paid from the laboratory at Bangalore.

MR. K. T. SATYANARAYANA CHETTY reminded the House that Dr. Coleman definitely stated that the cess would not be levied for more than 5 years and that it was incumbent on the Government to keep that promise. The speaker agreed that a farm was necessary, but that the cost thereof should be borne by Government.

MR. P. SUBBARAMA CHETTY feared that the levy of a special cess for Coffee Experimental Farm would create a bad precedent for the future. If this were allowed now, the Government might hereafter come up again for similar cess for investigations connected with other industries, like silk. In this way there would be no limit to the imposition of cess. He did not think that coffee industry should be

differentiated from other industries in point of levying a cess.

MR. ABDUL AZIZ of Chickmagalur opposed the measure. In doing so he observed that although the experimental station was necessary in order to carry on scientific investigations to eradicate fungus and other diseases affecting coffee plants, yet how far the planters were able to bear the burden of the cess was the point to be considered. He said that the majority of the planters were really very poor, although, in order to keep up their dignity because they were called coffee planters, they accepted the proposal of the levy of the cess on the previous occasion. He therefore requested Government not to continue the cess.

MR. H. C. DASAPPA in supporting the measure observed that the point to be considered was whether the present Bill would be beneficial to the coffee planters or not. He pointed out that whereas in Madras and other places coffee planters paid great attention to the growth of coffee industry, themselves bearing all the cost of the maintenance of the farms, it was curious that in Mysore alone planters required the entire cost to be borne by Government. Much could be done by co-operation. Much of the prosperity of the Western countries was due to co-operation. He compared the position of European planters with that of Indian planters and said that while the former evinced keen interest in the growth of the industry by continued scientific researches to eradicate the diseases, the latter exercised only lip sympathy for the growth of the industry.

THE DEVELOPMENT SECRETARY in replying observed that from the discussions it seemed to him that there was a general agreement about the necessity to continue the experimental farm; the only difference so far as he could see was in regard to the manner in which the cost should be met. Some were of opinion that it should be borne from the State Funds while others thought that it should be met by the industry itself. Before proceeding to deal with this question, he would like to refer to the observation of one member—he was glad to notice that there was only one—that no practical work worth mentioning had been done on the Coffee Experimental Farm. The Development Secretary held no brief for the farm, and would only invite the attention of the House to the pamphlet issued in regard to the work of the farm, and allow facts to speak for themselves.

Coming next to the principle involved in the levy of the cess, he would point out that it was recognised in all

countries that, when expenditure had to be incurred which benefited particular interests more than general interests, it was only fair that those who were specially benefited should contribute a share of the expenditure. The fairness of this principle was self-evident, and the fact that the original Coffee Cess Bill was passed indicated that the Assembly itself had recognised it. Further, the experiments were so essential to the progress and even stability of the industry that, if Government had not undertaken them, the planters themselves would have been forced to take the initiative. In Coorg and in Madras, planters had as a matter of fact shown a considerable spirit of self-help and worked on their initiative bearing all the cost connected with the experiments. They had appointed specialists like Mr. Mayne to take part in the investigations in co-operation with the Mysore Government. When that was the case, the speaker regretted that any member of the House should oppose the continuation of the cess which, after all, contributed only a part of the necessary expenditure.

Referring to the argument that a time limit of 5 years having been fixed in the original bill, it should not be extended by another period of 10 years. The Development Secretary observed that in a case like present one, a time limit could only be regarded as tentative, and was liable to be revised in view of altered conditions and circumstances. As was remarked by some members, it was true that the time limit had been fixed on the suggestion of experts; but experts after all were not prophets or astrologers. If the same experts, in view of changed conditions of work and of new problems arising in connection with it, proposed an extension, it was unreasonable to consider them as stopped from doing so. He informed the House that Dr. Coleman was of opinion that some experiments would come to fruition very soon, that others would take more time, and that experiments in breeding and grafting would require something like 10 years to yield useful results. It was therefore that 10 years had been proposed as the minimum period required to carry on the experiments to anything like a useful conclusion. It was of course unthinkable that the work started should be left unfinished at this stage and that all the progress so far made should be sacrificed.

Referring to the fear expressed by Mr. P. Subbarama Chetty that, if the principle of this was agreed to, Government might next come up for the levy of similar cesses in connection with other industries—the silk industry for

example—the Development Secretary said that there was an essential difference between the coffee industry and the silk industry which made the parallel altogether fallacious. The coffee industry was more or less localised and was in the hands of people who were very well able to contribute towards the cost of investigations which benefited them. The silk industry was spread over a very large area, and was practised by people who were so poor and ignorant that they could not be expected to contribute anything. It supported nearly two lakhs of families which would otherwise be without adequate means of sustenance. They were so large a part of the population and comparatively speaking so unable to help themselves that it was the duty of the State to foster the industry on which they depended. Even in the case of the coffee cess, the Regulation did not apply to poor planters owning less than 15 acres; because, the policy of the Government was not to burden the poor. If a cess was levied on people who were able to bear it, and for a purpose which benefited them in a special way, would it follow that it should be levied on poor people practising a wide-spread subsidiary occupation? It would thus be seen that though Mr. Subbarama Chetty's argument looked clever and plausible at first sight, it could not be said to have any substance.

In the case of the coffee industry, Government were prepared to meet half of the cost of the experiments. If the cess was assented to, then Government would be statutarily bound to meet half of the cost of experiments. This would undoubtedly be a gain on the part of the industry. The European planters were prepared to pay the cess and in these circumstances, would it be well for the Indian planters to be less self-reliant than they?

To sum up, the cess was unobjectionable in principle and was required for an activity the necessity for which was recognised. He hoped that the House would support the measure.

The Bill was thereupon put to vote and carried by a large majority.

The House then adjourned for lunch and re-assembled at 3-40 P.M.

II. Statement of the General Principles of the Bill to Amend the Mysore Land Record of Rights Regulation, X of 1927.

THE SECRETARY TO GOVERNMENT, LAW DEPARTMENT, explained the general principles as follows:—

1. According to Section 4 of the Regulation, it is obligatory on parties to give notice of mutations only after the preparation of the final record, and its notification in the Gazette. This arrangement makes it difficult to keep the preliminary record up-to-date. It is therefore proposed to compel notice of mutations from parties as soon as the operation of the Record of Rights Scheme is commenced, that is, when the scheme is first notified for introduction in particular localities. *Section 5 has therefore to be amended suitably.*

2. The change in Section 7 is verbal.

3. The existing proviso to Sub-Section (2) of Section 9 does not fully state the circumstances in which it is permissible to enhance " the total amount of assessment " on a survey number when it is sub-divided. It may sometimes be found necessary to rectify the recorded extent of a survey number, and proportionately alter the assessment, if mistakes are detected in the old measurements. Further in rounding off fractions of annas, the total assessment of the several sub-divisions will often differ slightly from the recorded assessment of the entire area. The proposed amendment of Section 9 is intended to provide for such contingencies.

4. In the *Hisse* Survey Rules provision has been made for appeals against the decision of the *Hisse* Survey Officer to the Survey Superintendent. It is proposed to embody this provision in the Record of Rights Regulation also. It is also desirable to fix the period of appeal at one month from the date of communication of the order to the party. Hence the proposed amendment of Section 15.

5. Section 10 (*b*) of the Regulation authorises Revenue and Survey Officers to assess the cost of preparation of maps or plans on the lands to which such maps or plans relate. Fees are however levied under the rules for the investigation of claims, field measurements and other processes leading to the registry of survey numbers of sub-divisions in the Record of Rights. It is thought desirable to embody a specific provision authorising the Government to prescribe and regulate such fees. Hence the proposed addition of a new clause in Section 17 of the Regulation.

Bill to Amend the Mysore Land Record of Rights Regulation, X of 1927.

Whereas it is expedient to amend the Mysore Land Record of Rights Regulation, X of 1927 ; it is hereby enacted as follows :—

1. In Section 5 for the words "Sub-Section (2) of Section 4" the words "Sub-Section (2) of Section 1" shall be substituted.

2. In Section 7, for the word "Chapter" the word "Regulation" shall be substituted.

3. In the proviso to Sub-Section (2) of Section 9, for the words "the total amount of the assessment" the words "the acreage assessment" shall be substituted.

4. In Section 15—

(*a*) between the word and figure "Section 6" and the word "may" the following words, namely, "or the division of a survey number into sub-divisions or the assessment of such sub-divisions under Sub-Sections (1) and (2) of Section 9" shall be inserted ; and

(*b*) between the words "may" and "appeal" the following words, namely "within a period of one month from the date of the communication of the order to the party" shall be inserted.

5. In Sub-Section (2) of Section 17, after clause (*f*), the following clause shall be added :—

(*g*) "Prescribing and regulating the amount of fees to be levied from landholders and others claiming interest in land for the record of their rights, measurements of lands and other work that may be done under the provisions of Sections 4, 5, 6, 7 and 9."

MR. H. B. GUNDAPPA GOWDA observed that the proposed amendment to Section 9 of the Regulation sought to give Government powers to enhance the total assessment on a survey number when it was sub-divided. He did not know whether it would be right on the part of the Government to seek to get power to increase their income by means of sub-dividing the survey numbers also.

Secondly, it was said in Clause 5 of the Bill that "fees were however levied under the rules for the investigation of claims, field measurements and other processes leading to the registry of survey numbers of sub-divisions in the Record of Rights." He did not know whether it was really so. As far as he knew, when the Regulation was brought before the House previously for acceptance, fees as then thought of were intended to be levied for the preparation of maps and plans only and not for other purposes mentioned now, such as "other processes leading to the registry of survey numbers, etc."

THE SECOND MEMBER OF COUNCIL explained that when a survery number consisting of, say 3 acres, was

sub-divided and each sub-division separately assessed, the total of the assessments would have sometimes to be increased by reason of the fractions of annas in the assessment of each sub-division being rounded off. At present Government had no power to increase the recorded assessment in this way. It was to provide for such contingencies, he said, that the amendment was proposed. He added that no changes in the rules were contemplated. Nor did the Government wish to obtain powers to enhance the total assessment by the proposed amendment to Section 9.

MESSRS. NARAIN MURTHI and GUNDAPPA GOWDA suggested that in that case the word "modify" may be substituted for "enhance."

THE SECOND MEMBER OE COUNCIL said that the suggestion would be considered.

MR. H. B. GUNDAPPA GOWDA then requested that the time allowed for appeal against the decision of the *Hisse* Survey Officer should be raised from one month to three months.

THE SECOND MEMBER OF COUNCIL said that the Government had no objection to the matter being considered in the select committee.

Referring to the observation made in Paragraph 5 of the statement of General Principles that "fees are however levied under the rules for the investigation of claims . . . and other processes" MR. D. S. MALLAPPA said that the Regulation did not provide for "other processes" and if the Government charged fees for such processes outside the preparation of plans and maps, it was plainly against the provisions of law. He suspected that the present Bill was meant to regularise the wrong procedure adopted by Government.

THE SECOND MEMBER OF COUNCIL disagreed from this view.

THE THIRD MEMBER OF COUNCIL said that there was a possibility of doubt in this matter and that the Government wanted to make the point clear.

MR. D. S. MALLAPPA pointed out that Government had already collected Rs. 2 lakhs and that they were not justified in levying the fees to cover incidental charges in connection with the operation of the scheme. He said that it was illegal on their part to do so. They thus wanted to get more than what was actually necessary for them and that showed that they intended to make profits out of the scheme.

THE SECOND MEMBER OF COUNCIL replied that that was not the intention of the Government.

MR. B. S. PUTTASWAMY referred to the statement made in the Financial Secretary's Memorandum wherein it was stated that Government expected to get an income of Rs. 4 lakhs from the operation of the Record of Rights and that Rs. 2 lakhs out of it would go towards the expenses.

THE SECOND MEMBER OF COUNCIL said that if it was found that the fee of Rs. 2 now charged was more than was required, the question of reducing it would be considered.

THE REVENUE COMMISSIONER explained that the introduction of the scheme in 8 taluks had been notified, that the Survey Department would not be able to take up more than two or three taluks in one year and hence the expenditure would necessarily have to be spread over a period of three or four years. He did not think that the Government intended to derive profits out of the scheme.

If that were the position, MR. D. S. MALLAPPA did not understand why the income was included under the general revenues. He therefore thought that the Government were collecting more than was necessary. He suggested that a committee might be appointed to investigate this matter and a fresh bill, based on their recommendations, might be brought up again before the Assembly. He was emphatically of opinion that the Government had no right to charge for incidental expenditure not provided under the Regulation.

MR. K. T. SATYANARAYANA CHETTY suggested that the fee receipts might be kept under a separate and distinct head of account.

THE SECOND MEMBER OF COUNCIL however did not agree with the contention of Mr. D. S. Mallappa that incidental charges were not covered in the expression "cost of preparation of maps and plans." He added that the Revenue Commissioner had promised to send a statement showing the receipts and expenditure on account of the introduction of the Record of Rights Scheme in the taluks and if it was found therefrom that the present levy was more than was required, Government would consider the question of reducing it. He however observed that the present law in Mysore was exactly the same as in force in Bombay where exactly the same fees were recovered. If legal ingenuity in Mysore was better than in Bombay, he had nothing more to say. It was always understood that the preparation of maps and plans included the cost of measurements also. If this interpretation was wrong, it was quite open to the parties affected to fight out their case in the proper place.

MR. L. VEMA REDDY represented that the question of reducing the rates had been brought up for discussion before the House more than once in the past and that at a time when the raiyats were so poor that they could not pay even the land revenue, a reduction in the rates would be very much appreciated by them.

MR. M. P. SOMASEKHARA RAO said that the Government had power to make rules under Section 17 (1) of the Regulation, and to levy fees under Section 10 for the preparation of maps and plans, etc. But the Government, he said, had no power to levy fees for items of work done under Sections 4, 5, 6, 7 and 9.

THE THIRD MEMBER OF COUNCIL observed that it did not take away the general rule making power under Section 17 (1).

MR. PUTTASWAMY remarked that if such a wide interpretation was given to it, then, there was no need for bringing up the measure before the House at all.

MR. SOMASEKHARA RAO said that the very fact that Government had brought the amending Bill was an indication that the Government had no such power. He understood that in the Bombay Presidency where the Record of Rights system was in force, no fees were being levied for such purposes. As the Government were already getting two lakhs of rupees, he thought that provision for further levy was unnecessary. He agreed with the view expressed by Mr. D. S. Mallappa that the Government were attempting, with the help of the amendment before the House, to regularise the levy which they were now making unauthorisedly.

THE SECOND MEMBER OF COUNCIL observed that the Government had more than once said that after all the accounts were ready, they would go into the question of the reasonableness or otherwise of the present rate of fees and if it was found to be more than the actual expenditure to be incurred, they would reduce it. He added that the income for the year which was about Rs. 2 lakhs could not be considered as a permanent and a regular source of income.

MR. D. S. MALLAPPA suggested that a committee might be appointed to consider the question of the reduction of fees and that the revised rate fixed by them might be embodied in the Regulation to settle the question once for all.

MR. SOMASEKHARA RAO, while agreeing that the system of Record of Rights was beneficial both to the raiyats as

well as to the Government, said that when the Government were levying land revenue, they should not levy separate fees for sub-divisions, etc.

THE SECOND MEMBER OF COUNCIL observed that that question was not before the House.

MR. PUTTASWAMY pointed out that if the Government thought they had power to levy fees under Section 17 (1) of the Regulation, the amendment before the House was unnecessary. If, on the other hand, they had no such power, the levy made till now was illegal. He added that the fee should be fixed on the basis of the average expenditure in the taluks where the Record of Rights system was introduced and should be embodied in the Bill. He was of opinion that the mere promise that it would be reduced later on would not be a relief to the raiyats. Continuing, he said, that this should not be made a source of income to the Government.

THE SECOND MEMBER OF COUNCIL agreed with the view that the fee collected should not be made a source of income to Government.

MR. RAMAKRISHNA IYER pointed out that the arrears which were said to be due from the raiyats were due to the fact, that the rate of fees levied was high, and if it was reduced now alone, the department would be able to collect them as early as possible.

THE SECOND MEMBER OF COUNCIL replied that the Superintendent of Survey had stated that the accounts of one taluk were ready, and it was possible to fix a rate on that basis. But that matter had nothing to do with the Bill before the House. The object of the amendment was to make the existing law more clear. He said that if, however, the House was against it, he had no objection to drop it.

MR. MALLANNA and CAPT. Y. V. AYYA represented that the period of one month proposed in the Bill for appeals was quite inadequate and should be increased to at least three months.

THE SECOND MEMBER OF COUNCIL observed that it was a matter of minor detail which might be left to the select committee for decision.

MR. T. MARIAPPA said that if the Government had power to levy the fees under discussion, it was necessary to prescribe the maximum rate.

MR. H. C. DASAPPA enquired whether the existing rate was fixed after publishing the rules in the Gazette and inviting criticisms from the general public.

THE SUPERINTENDENT, REVENUE SURVEY, replied that three years ago the rules had been published and objections and criticisms were called for.

MR. H. C. DASAPPA enquired whether the revision of the rules would depend on the promulgation of the amendment herein suggested.

THE SECOND MEMBER OF COUNCIL said that a certain rate had been fixed by the rules framed under the Regulation and the Government would revise it irrespective of whether the amendment before the House was accepted or not, and that if there were any changes in the rules, they would be published.

MR. D. S. MALLAPPA and other members requested that the rate might be fixed and embodied in the Bill before being brought up for discussion in the Assembly.

THE SECOND MEMBER OF COUNCIL observed that Government could not agree to such a procedure. He promised that the revised rules would be published.

MR. BELUR SRINIVASA IYENGAR said, with reference to clause (5) of the Bill, that the amount of fee to be levied which at present had been left to the discretion of Government should be fixed, and that unless that was done, he could not lend his support to the measure before the House.

MR. N. CHANNAPPA said that there was no particular hurry for the measure as the Government were already recovering certain fees not contemplated in the Regulation. He was of opinion that the rate of such fees might be definitely fixed and a Bill incorporating this rate might be brought up later.

THE SECOND MEMBER OF COUNCIL referred to the statement already made by him that the Government would not press for the proposed amendment in the matter.

MR. N. CHANNAPPA thereupon enquired whether the amount of fees already collected by Government without legal authority had been kept separately and would be refunded.

THE SECOND MEMBER OF COUNCIL replied that it would not be possible to refund the money to individuals concerned, but would be set apart for some local object. He added that for the future the rate would be reduced.

MR. PUTTASWAMY suggested that, with a view to avoid such things, the average rate might be fixed and embodied in the Bill itself.

THE SECOND MEMBER OF COUNCIL said that, as soon as the figures were ready, attempts would be made to reduce

the rate of fees, but that it was not possible to embody the rate in the Bill itself. It might, however, be included in the rules.

THE DEWAN remarked that the amount of Rs. 2 lakhs had not been spent away, but would be made available for certain other items of work relating to the Record of Rights still remaining to be done. As such, he thought, that the amount could not be considered as a profit.

MR. D. S. MALLAPPA said that it would be better if the Bill was placed before the House in a complete form.

THE DEWAN said that the Survey Superintendent had completed work in two or three taluks; that information would be called for from him about the actual working and if the rate was found to be high, Government would think of reducing it. In the meantime, the other provisions of the Bill which were meant to serve the best interests of the rights might be approved by the House.

MESSRS. MALLAPPA and OTHER MEMBERS had no objection to support the Bill if a promise was forthcoming from the Government that the rate of fees would be reduced.

MR. PUTTASWAMY also wanted that the point whether the Government made a profit or not out of the fees should be investigated.

THE SECOND MEMBER OF COUNCIL assured the House that the matter would be gone into immediately after the accounts were ready and that if necessary, the rules would be modified. In reply to a question from Mr. N. Channappa, he said that it might be possible to come to a decision on the point before the next Dasara Session.

MR. N. CHANNAPPA enquired why the entire Bill in that case should not be postponed till then.

THE SECOND MEMBER OF COUNCIL replied that the fixing of the rate had no connection with the Bill. The most important provision of the Bill was the one referred to in paragraph 1 of the statement relating to keeping the preliminary record up-to-date, by compelling the parties to give notice of mutations as soon as the introduction of the scheme was first notified in particular localities. He added that the longer this matter was delayed, the worse it was for the raiyats. With the exception of paragraph 5 of the statement which the Government did not press, all the other principles might be safely agreed to. They would be scrutinised at the select committee stage, including the suggestion that the time of appeal might be raised to three months.

Subject to the above assurance, the general principles were agreed to by the House.

III. General Principles of the Bill to Amend the Mysore Motor Vehicles Regulation, 1928.

THE SECRETARY TO GOVERNMENT, LAW DEPARTMENT, explained the general principles as follows :—

The Mysore Motor Vehicles Regulation, unlike the Indian Motor Vehicles Act on which it is based, requires that before a driver's license or a license for plying a motor vehicle for hire is cancelled or suspended or before any person is declared disqualified for obtaining such a license, the person concerned should be given an opportunity of being heard. But in some cases this procedure involves delay which is detrimental to the interests of public safety when it is necessary that a driver who has been found incompetent or a proprietor whose vehicle has been found unfit should be immediately prevented from continuing to act on his license. It is therefore proposed to except orders of suspension of such licenses from the operation of the procedure referred to above, subject to the limitation that the period of the suspension ordered in such urgent cases should not exceed three months.

Bill to Amend the Mysore Motor Vehicles Regulation, 1928.

Whereas it is expedient to amend the Mysore Motor Vehicles Regulation, 1928; it is hereby enacted as follows:–

1. In proviso (*a*) to Section 18 of the said Regulation between the word and figure "Sub-Section (2)" and the word "shall," the words "other than an order of suspension for a period not exceeding three months" shall be inserted.

The general principles were agreed to without discussion.

IV. Statement regarding the Amendment of the Standing Orders of the Representative Assembly.

THE SECRETARY TO GOVERNMENT, LAW DEPARTMENT, explained the statement in detail as follows :—

Orders on the recommendations of the Committee appointed by Government to suggest alterations and amendments to the rules relating to the Representative Assembly and Legislative Council were passed in December 1929 and

the necessary consequential amendments to the Electoral Rules of Business of both the bodies have also been made. One of the recommendations accepted by Government is the substitution of the following standing orders for the existing standing orders 27 to 31 of the Representative Assembly with a view to simplify the procedure for amending the standing orders of the Assembly :—

Notice of proposal for amending the standing orders.

27. Unless the President otherwise directs not less than 15 days' notice of a motion by a member for amending the standing orders shall be given to the Secretary and the notice shall be accompanied by a draft of the proposed amendment.

28. (1) The motion shall be set down for such day as the President may direct.

Government amendments and amendments accepted by Government.

(2) Government amendments and amendments accepted by Government will be placed before the Assembly at the beginning of the session, and if no objection is raised, they will be regarded as passed.

Other amendments.

(3) In the case of other amendments the President shall, when the motion is reached, ask whether the member has the leave of the Assembly. If objection is taken, the President shall request those members who support the motion to rise in their places, and if not less than fifty members rise accordingly the President shall intimate that the member has the leave of the Assembly.

Appointment of a Committee.

(4) (*a*) When any objection is taken to any Government amendment or any amendment accepted by Government, and where a member has the leave of the Assembly to proceed in the case of other amendments, it shall be moved that the draft amendments be referred to a special committee. A Member of the Government shall be the Chairman of the special committee and the Secretary to Government, Law Department, and nine non-official members of the Assembly elected by the Assembly in such manner as the President may determine, shall be the members.

(*b*) After a draft has been referred to a special committee, the procedure in regard to Bills committed to the select committees of the Legislative Council, shall, as far as may be, be followed with such necessary alterations as the President may direct.

In consequence of this amendment, the succeeding standing orders 32 and 33 will have to be re-numbered as 29 and 30.

The amendments indicated above have to be passed by this House and are accordingly placed before it for approval.

THE THIRD MEMBER OF COUNCIL said that, under the existing standing orders, the Assembly might on a motion and at any time suspend the operation of any of the standing orders. So if the members were satisfied with the present proposal and did not require to go through the elaborate process mentioned in the standing order, they might agree to the amendments.

MR. HOSAKOPPA KRISHNA RAO said that the matter might be referred to a select committee. He added that there might be various other points for consideration with a view to see what further powers the non-officials could get.

THE THIRD MEMBER OF COUNCIL said that there was absolutely no objection to its being referred to a select committee if the members wanted it.

MR. HOSAKOPPA KRISHNA RAO pointed out that in the Rules of Business and Standing Orders recently printed and supplied, certain portions relating to the existing rules had been omitted. As an instance, he referred to Paragraph 25 on page 7 of the printed volume wherein certain amendments had not been embodied.

THE THIRD MEMBER OF COUNCIL, while regretting the mistake, said that it must have been due to some oversight and not deliberate ; that he would inquire into the matter and set it right. He thanked Mr. Krishna Rao for pointing out the omission.

Regarding the personnel of the select committee, the Third Member of Council enquired if the House would give the names of nine members, or whether the Government themselves could propose them for their approval. As the House had no objection to the latter course, the Third Member said that he would announce the names of the members the next day.

At this stage, the Assembly rose for the day to meet again at 12 noon on Tuesday the 17th June 1930.